

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR03-515-JCC
	)	
v.	)	<b>PROPOSED FINDINGS OF FACT</b>
	)	<b>AND DETERMINATION AS TO</b>
DAVID JEFFREY KATHRENS,	)	<b>ALLEGED VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE</b>
Defendant.	)	

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INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 20, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Kate Vaughn, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Mark Okano. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on June 25, 2004 by the Honorable John C. Coughenour for Felon in Possession of a Firearm. He received 84 months of detention and 3 years of supervised release.

On October 30, 2009, Mr. Kathrens' supervised release was revoked as a result of his admitted violations of using methamphetamine and associating with a known felon engaging in

1 criminal behavior. The court sentenced him to time served (30 days detention), followed by a  
2 35-month term of supervised release.

3 On December 15, 2009, the Court approved no action be taken in response to a  
4 Noncompliance Summary filed with the Court after Mr. Kathrens violated his supervision by  
5 using methamphetamine on November 13, 2009. On December 18, 2009, the Court approved a  
6 voluntary modification of Mr. Kathrens' conditions of supervision to include a condition that he  
7 participate in the Location Monitoring Program for a period of 120 days as a sanction for his use  
8 of methamphetamine on or before December 11, 2009.

9 On January 26, 2010, a violation report and request for warrant was filed with the Court  
10 after Mr. Kathrens failed to comply with the Location Monitoring Program since January 24,  
11 2010. A warrant was issued on January 29, 2010, and on March 3, 2010, Mr. Kathrens was  
12 arrested by the Marysville Police Department. He appeared in court and was detained. On  
13 March 25, 2010, Mr. Kathrens was sentenced to 4 months detention followed by 24 months  
14 supervised release. Mr. Kathrens was released from custody and began his third term of  
15 supervision on July 2, 2010.

16 On October 1, 2010, a warrant was requested and approved by the Court after Mr. Kathrens  
17 used methamphetamine and failed to successfully participate and complete inpatient substance  
18 abuse treatment. He was arrested on October 8, 2010, and made his initial appearance before the  
19 Court on October 13, 2010. He denied the allegations and was detained. On October 20, 2010,  
20 he appeared for an evidentiary hearing. Mr. Kathrens admitted the violations and was released  
21 from custody in order to attend mental health treatment at Tulalip Family Services. A  
22 disposition hearing was set for December 3, 2010, but was vacated at the request of U.S.  
23 Probation.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated November 8, 2010, U.S. Probation Officer Angela M. McGlynn alleged that defendant violated the following conditions of supervised release:

3. Failing to report for urinalysis testing as directed on or about November 4, 2010, in violation of the special condition requiring the defendant to report for urinalysis testing as directed.

4. Using illegal drugs on or about November 5, 2010, in violation of standard condition No. 7.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted the above violations, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on February 4, 2011 at 9:00 a.m. before District Judge John C. Coughenour.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 20<sup>th</sup> day of January, 2011.



BRIAN A. TSUCHIDA  
United States Magistrate Judge